

Declaration, Power of Attorney (US and PCT) and Petition for Priority

I (WE), the undersigned inventor(s), (each) hereby declare that:

My residence, post office address and citizenship is as stated below next to my name,

I (We) believe that I (we) am (are) the original, first and joint inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**3D STEREO REAL-TIME SENSOR SYSTEM, METHOD AND COMPUTER PROGRAM THEREFOR**  
which has in the offices of the law firm of Heller Ehrman White & McAuliffe the Attorney Docket number 24461-0003US, the specification of which:

[ ] is attached hereto.

09/199,888

[X] was filed on: November 24, 1998 as Application Serial No.: (to be assigned)

and amended (if applicable) on:

[ ] was filed as PCT International Appl. No.: on:

and amended under PCT Article 19 (if applicable) on:

I (We) hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I (We) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

I (We) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or under §365(a) of any PCT International application which designated at least one country other than the United States, listed below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

Foreign Application No.	Country	Day/Month/Year	Priority Claimed
P 197 52 047.2	Germany	24 November 1997	[X] Yes [ ] No
P 198 51 993.1	Germany	11 November 1998	[X] Yes [ ] No

I (We) hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
None	

I (We) hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States or PCT application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I (We) acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

US or PCT Application Serial No.	Filing Date	Status (pending, patented, abandoned)
None		

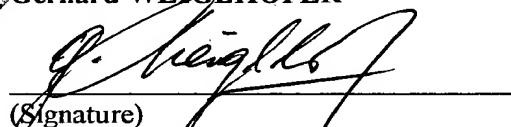
And I (We) hereby appoint the following persons:

Jacques M. DULIN	USPTO Reg. No. 24,067
Robert F. DENNIS	USPTO Reg. No. 40,988
Gordon Stewart	USPTO Reg. No. 30,528
David Hall	USPTO Reg. No. 32,233
Derek Freyberg	USPTO Reg. No. 29,250

as attorneys and agents, with full powers of substitution and revocation, to prosecute this application, to insert the application number and filing date of this application hereon after filing, and to transact all business in the Patent Office connected therewith; and we hereby request that all correspondence regarding this application be sent to Jacques M. Dulin, Esq., Heller Ehrman White & McAuliffe, 525 University Ave, Palo Alto, CA 94301-1900, Phone number 650-324-7000 ( Fax 650-324-0638 ).

And I (We) hereby appoint the above named attorneys as agents to act on Applicant's behalf before all the competent International Authorities in connection with any Patent Cooperation Treaty International Application based on this application and before all corresponding designated and elected National Patent Offices upon National Stage filing from the aforesaid International Application, and to make or receive payments on behalf of the undersigned.

I (We) declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<u>Name Of Sole or First Inventor:</u> Gerhard WEIGLHOFER  (Signature) December 1. 1998 (Date)	<u>Residence:</u> Dr. Arnoldstrasse 6 D-86947 Schwabhausen/Weil, Germany <u>Citizen of:</u> Germany <u>Post Office Address:</u> Same
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<u>Name Of Second Inventor:</u> Fritz PAUKER  (Signature) December 1. 1998 (Date)	<u>Residence:</u> c/o Ing. - Büro Pauker Weiherbreiten 8 D-86316 Friedberg, Germany <u>Citizen of:</u> Germany <u>Post Office Address:</u> Same
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<u>Name Of Third Inventor:</u> Rolf HENKEL  (Signature) 20. 1. 1999 (Date)	<u>Residence:</u> Schwachhauser Heerstrasse 112 D-28209 Bremen, Germany <u>Citizen of:</u> Germany <u>Post Office Address:</u> Same
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HEWM Docket No. 24461-0003US

US 22914  
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TBK&P Ref. No. US 22914

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: **Gerhard WEIGLHOFER, et al.**

Serial or Patent No.: (to be assigned)

Attorney Docket No.: **24461-0003US**

Filed or Issued: **November 20, 1998**

For: **3D STEREO REAL TIME SENSOR SYSTEM, METHOD, AND COMPUTER PROGRAM THEREFOR**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(B) - INDEPENDENT INVENTOR**

As below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **3D STEREO REAL TIME SENSOR SYSTEM, METHOD, AND COMPUTER PROGRAM THEREFOR**.

the specification filed concurrently herewith  
 application serial no. 09/199,888 filed November 24, 1998  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

no such person, concern, or organization  
 persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to the status as small entities. (37 CFR 1.27)

FULL NAME: **3-D IMAGE PROCESSING GMBH**

ADDRESS: Dr.-Arnold-Strasse 6, D-86947 Schwabhausen/Weil, Germany

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any application any patent issuing thereon, on any patent which this verified statement is directed.

Name Of Inventor

**Gerhard WEIGLHOFER**

Signature of Inventor

G. Weiglhofer

Date

Name Of Inventor

**Fritz PAUKER**

Signature of Inventor

F. Pauer

Date

Name Of Inventor

**Rolf HENKEL**

Dr. Rolf Henkel

Signature of Inventor

20. 1. 1999

Date



US 22914

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NEW M D TRADEMARK OFFICE No. 24461-0003US

TBK&amp;P Ref. No. US 22914

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant or  
Patentee: **Gerhard WEIGLHOFER, et al.**Attorney Docket: **24461-0003US**Serial Number: **(to be assigned)**Filing Date: **November 20, 1998**Title: **3D STEREO REAL TIME SENSOR SYSTEM, METHOD, AND COMPUTER PROGRAM  
THEREFOR****VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(b-d)) - Small Business Concern****DECLARANT'S RIGHTS AS A SMALL ENTITY - Small Business Concern** the owner of the small business concern identified below: an official of the small business concern empowered to act on behalf of the concern identified below:**NAME OF CONCERN: 3-D IMAGE PROCESSING GMBH****ADDRESS OF CONCERN: Dr.-Arnold-Straße 6, D-86947 Schwabhausen/Weil, Germany**  
I hereby declare that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. This statement is in regard to the invention entitled**3D STEREO REAL TIME SENSOR SYSTEM, METHOD, AND COMPUTER PROGRAM THEREFOR**

and described in:

 **the specification filed concurrently herewith.** Application Serial No. **09/199,888**, filed on **November 24, 1998** patent number, issued**OWNERSHIP OF INVENTION BY DECLARANT**

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified concern. EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

 **no such person, concern, or organization** **person, concerns or organizations listed below\*****\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention as small entities. (37 CFR 1.27)**Full Name: **N/A**

Address: \_\_\_\_\_

Status  Individual  Small Business concern  Nonprofit Organization**ACKNOWLEDGMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE**

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, of any application or patent issuing thereon, or any patent to which this verified statement is directed.

NAME Of Person Signing: **Gerhard Weighofer**TITLE Of Person Signing: **Managing Director**

SIGNATURE

DATE **December 1. 1998**



Form PTO-1595  
1-3-92

U.S. Department of Commerce  
Patent and Trademark Office

## RECORDATION FORM COVER SHEET PATENTS ONLY

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

**1. Name of conveying party(ies):**

1. Gerhard Weighofer
2. Fritz Pauker
3. Rolf Henkel

Additional name(s) of conveying party(ies) attached?  Yes  No

**3. Nature of conveyance:**

ASSIGNMENT

Execution Dates: December 1, 1998 and January 20, 1999

**2. Name and address of receiving party(ies):**

**Name:** 3-D Image Processing GmbH  
**Street Address:** Dr. Arnold Strasse 6  
**City:** Schwabhausen/Weil **State:** ZIP: D-86947  
**Country:** Germany

Additional name(s) & address(es) attached?  
 Yes  No

**4. Application number(s) or patent number(s):**

**Attorney Docket No. 24461-0003US**

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)  
**S.N. 09/199,888**

B. Patent No.(s)

Additional numbers attached?  Yes  No

**5. Name and address of party to whom correspondence concerning document should be mailed:**

**Name:** Jacques M. Dulin, Registration No. 24,067  
**HELLER EHRMAN WHITE & MCAULIFFE**  
**Street Address:** 525 University Avenue  
**City:** Palo Alto **State:** CA **Zip:** 94301-1900

**6. Total number of applications and patents involved:**

1

**7. Total fee (37 CFR 3.41)..... \$ 40.00**

Enclosed  
 Authorized to be charged to deposit account No. , referencing

Please charge any deficiencies to our Deposit Account No. 08-1641 referenceing 24461-0003US

**8. Deposit Account Number:**

**Please reference Attorney Docket No. .**

Attach duplicate copy if paying by Deposit Account.

### DO NOT USE THIS SPACE

**9. Statement and signature.**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Robert F. Dennis, Reg. No. 40988

Signature

2-9-99

Date

Total number of pages including cover sheet, attachments and document: [ 5 ]

OMB No. 0651-0011 (exp. 4/94)

**Do not detach this portion**

**Mail documents to be recorded with required cover sheet information to:**

**Assistant Commissioner for Patents**

**Box Assignments**

**Washington, DC 20231**

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

HEWM Docket No. 24461-0003US  
TBK&P Ref. No. US 22914

PATENTS

## ASSIGNMENT

WHEREAS, I (We),:

**Gerhard WEIGLHOFER**

**Fritz PAUKER**

**Rolf HENKEL**

("Inventor(s)"), having the address indicated below, am (are) the inventor(s) of certain subject matter on which patent applications have been filed as follows:

**Title: 3D STEREO REAL TIME SENSOR SYSTEM, METHOD,  
AND COMPUTER PROGRAM THEREFOR**

International Application: None	Filed:
National Application: Germany, P 197 52 047.2	Filed: 24 November 1997
National Application: Germany, P 198 51 993.1	Filed: 11 November 1998

(the "Invention"), and for which a United States patent application will be filed;  
Serial No. 09/199,888 was filed on November 24, 1998;

AND WHEREAS, 3-D IMAGE PROCESSING GMBH, a corporation of Germany ("Assignee"), desires to obtain title to the Invention and in any Letters Patent(s) to be obtained therefor from the United States of America and all countries foreign thereto;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I (We) acknowledge Assignee's interest in the Invention and hereby assign to Assignee for the United States of America and for all countries foreign thereto, all my rights, title and interest, including all rights under the Paris Convention for the Protection of Industrial Property, in the Invention, as described and claimed in the applications, or in any continuation, division, reissue, reexamination or extension thereof and any legal equivalent thereof in a country foreign to the United States of America; in and to the Invention, applications and Letters Patents to be owned by Assignee, its successors, assigns and legal representatives, to the full end of the term for which such Letters Patents may be granted.

This assignment is effective as of the earlier of: (a) the date of my signature hereto, or (b) the filing date accorded by the United States Patent and Trademark Office to the above identified application or any parent predecessor application(s), as indicated in the Filing Receipt(s) for said application(s).

I (We) have read and understand this Assignment document for the above-identified U.S., PCT International, and/or corresponding foreign applications and agree hereto, as indicated by my signature as set forth below.

Signature		Date	<u>1. December 1998</u>
Address:	<b>Gerhard WEIGLHOFER</b> <b>Dr. Arnoldstrasse 6</b> <b>D-86947 Schwabhausen/Weil, Germany</b>		
Signature		Date	<u>1. Dec. 1998</u>
Address:	<b>Fritz PAUKER</b> <b>c/o Ing. - Büro Pauker</b> <b>Weiherbreiten 8</b> <b>D-86316 Friedberg, Germany</b>		
Signature		Date	<u>20. 1. 1999</u>
Address:	<b>Rolf HENKEL</b> <b>Schwachhauser Heerstrasse 112</b> <b>D-28209 Bremen, Germany</b>		